



MICHIGAN DEPARTMENT OF NATURAL RESOURCES

INTEROFFICE COMMUNICATION

July 11, 2013

TO: Ron Olson, Chief of Parks and Recreation Division

FROM: Steve Sutton, Section Manager, Real Estate Services

A handwritten signature in black ink, appearing to read "Steve Sutton", is written to the right of the "FROM:" line.

SUBJECT: Questions regarding Case # 20120034 – The Dock at Eagle Lake, Ontwa Township, Cass County, Michigan.

This week you asked for clarification on a couple of issues regard the Department's effort to purchase the property on Eagle Lake in Ontwa Township for the purpose of creating accessible boat access site and park facilities. Here are some answers:

Prior to issuing an offer to purchase we engaged a title company to produce a title search for "the past 50 years or for whatever period is required to establish marketable title". With this search comes a copy of all documents examined including deeds, easements, leases, court judgments and any other recorded document that may affect title to the property. We also asked for a title commitment for the full purchase amount of our offer. This is standard operating procedure for all land acquisitions executed by the Department. There appear to be no issues sufficient to prevent the Department from acquiring and then using the property for the intended uses as a pubic boating access site and park facility. The title work, title commitment, draft Director's Memorandum and Exclusive Option to Purchase are presently at the Attorney General's office. Again, this is standard operating procedure for all purchases executed by the Department. The Attorney General's office will issue a letter of opinion on title that our closing unit will use to develop closing instructions for the title company. We do not anticipate any issues or "clouds on title" sufficient to prevent the Department from executing a purchase.

Prior to releasing an offer to purchase, Real Estate Services and Parks and Recreation Division staff (including land survey staff) reviewed the road and lake frontage available on the subject parcel. Given the Department's desire to use the property for an accessible public boating access site, it was important that we establish there was sufficient frontage available to do so. Determining that the subject property itself possesses enough road and shoreline frontage to develop a ramp without incorporating any additional land we proceeded with developing an option. As a rule, the Department seeks to work in collaboration with local units of government in site development. Feeling that incorporating some, or all, of that road frontage into the site development plan would provide a safer, more accessible launch and maneuvering area design and alleviate some currently existing parking issues along Eagle Lake Road, we discussed the matter with Road Commission staff. This is significantly different from past efforts wherein a private landowner seeks to use public shoreline road frontage for their exclusive private benefit. Instead, the Department's efforts to purchase the property on Eagle Lake Road creates a natural partnership opportunity by working together with the Road Commission to create safer, more aesthetic and more accessible public facilities along Eagle Lake Road and the Eagle Lake shoreline.

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We look forward to close collaboration with Ontwa Township and Cass County agencies in executing this acquisition and developing a boating access site that contributes to local quality of life as an added outdoor recreation and open space amenity.

In other matters I wanted you to know that the funding is in place for this acquisition and there is no fear said funding will be pulled for other projects prior to closing on this transaction.

Should you have any further question please feel free to call or email.